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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,526	10/18/2005	Thomas Arend	08516.0012	7402

22852   7590   01/08/2007
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EXAMINER
CONTINO, PAUL F·

ART UNIT	PAPER NUMBER
2114	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- .Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 November 2006*.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8 and 10-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-8 and 10-12* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *26 January 2005* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION: Final Rejection

Response to Arguments

1.   Applicant's arguments filed November 20, 2006, have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with the Applicant's arguments, specifically on page 7 of the Remarks, regarding the prior art reference Bajpai as not teaching distinguishing contexts that are predefined sets of knowledge representations. The decision nodes disclosed on page 7 in lines 1-16 in Bajpai are interpreted as knowledge representations because they contain information representing a decision to be made regarding a context. A context may, for example, be related to system performance, such as the status of a digital data processor. The decision nodes are interpreted as predefined because they have already been established before being traversed by an expert system. Therefore, the referenced decision nodes disclosed in Bajpai are interpreted as predefined sets of knowledge representations. Further, the language of "distinguishes contexts that are predefined sets of knowledge representations" is extremely vague. A context and a knowledge representation are not claimed in a manner as to specifically define what either consists of.

2.   In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., system and program performance contexts, as described on page 7 of the Applicant's Remarks) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Bajpai (WO

97/15009).

As in claim 12, Bajpai discloses an interface module with expertise functionality for

evaluating problems in a main computer system that executes an application, wherein the

inference module is adapted to process problem related data with knowledge representations to

identify solutions and the inference module distinguishes problem related data in context classes

(Figs. 1 and 5; page 7 lines 1-16, and pages 9 and 10, where local processor system 10 is

interpreted as a main system and remote processor system 12 is interpreted as an interface

module, where the decision nodes are interpreted as context classes), wherein the context classes

are predefined sets of knowledge representations *(Fig. 3; page 7 lines 1-16, where the decision*

nodes are interpreted as predefined sets of knowledge representations).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajpai in view of Aslanian et al. (U.S. Patent No. 5,111,384).

As in claim 1, Bajpai teaches of a computer system comprising:

a main system that executes an application in cooperation with a human user *(Figs. 1 and 2; page 5 lines 3-5, where processor 10 is interpreted as a main system)*;

an auxiliary system to evaluate problems in the main system using a service module to collect problem related data from the main system *(Figs. 1 and 5; page 9 line 22 and page 10 lines 17-21, remote processor 12)*, wherein the auxiliary system determines a context of the evaluated problems *(Fig. 3; page 7 lines 1-16, where the decision nodes are interpreted as contexts; page 10 lines 24-25)*;

a knowledge module that stores the knowledge representations *(Fig. 5 #s 58 and 60; page 10 lines 1-2 and 24-27)* and distinguishes contexts that are predefined sets of knowledge

representations *(Fig. 3; page 7 lines 1-16, where the decision nodes are interpreted as predefined sets of knowledge representations)*; and

an inference module that processes problem related data with knowledge representations to identify solutions *(Fig. 5 #56; page 10 lines 24-27)*, wherein the inference module forwards the solutions through the service module to the main system *(page 11 lines 15-16)*.

However, Bajpai fails to teach of distinguishing versions of the main system. Aslanian et al. teaches of distinguishing versions of a main system *(column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38)*.

It would have been obvious to a person skilled in the art at the time the invention was made to have included the version distinguishing as taught by Aslanian et al. in the invention of Bajpai. This would have been obvious because the invention of Aslanian et al. offers a time and resource efficient means of utilizing an expert system and a knowledge representation base in order to solve a problem *(column 1 lines 66-68)*.

As in claim 2, Bajpai teaches the auxiliary system distinguishes context relating to the application *(Fig. 3; page 7 lines 1-16)*. Aslanian et al. teaches versions relating to the application *(column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38. It is interpreted that a fault brought about by the application will be remedied through distinguishing related context and versions)*.

As in claim 3, Aslanian et al. teaches the auxiliary system distinguishes context and versions by using a check lexicon in the knowledge module *(column 2 lines 29-43, column 3*

lines 38-43, and column 8 lines 23-38, where the knowledge base and object data structures are interpreted as a check lexicon).

As in claim 4, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on a version of the main system *(column 8 lines 35-37).*

As in claim 5, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on a version of the application *(column 8 lines 23-29).*

As in claim 6, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on the context of the problem *(column 8 lines 3-38).*

As in claim 7, Aslanian et al. teaches the check lexicon lists details for the knowledge representations that depend on a version of the main system *(column 8 lines 35-37).*

As in claim 8, Aslanian et al. teaches the check lexicon uses parameters for versions and context *(Fig. 3; column 8 lines 3-38).*

As in claim 10, Bajpai teaches the knowledge module distinguishes context with primary context and secondary context, wherein the secondary context is referenced from the primary

context *(Fig. 3; page 7 lines 1-16, where the decision nodes are interpreted as contexts, a prior/parent node being a primary context and a child node being a secondary context).*

As in claim 11, Bajpai teaches the knowledge module makes knowledge representations selectively available or non-available according to a selected context *(Fig. 3; page 7 lines 1-16, where the leaves of a decision tree not traversed in response to a "FALSE" evaluation are interpreted as being non-available).*

Conclusion

5.　Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.　Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.　In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.　In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFC
1/3/2007

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER